



Akt. Dkt. No. AVAN/000835US

Rec'd PCT/PTO

17 NOV 2005

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- ☒ original
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part

### INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### LITHIUM NIOBATE OPTICAL MODULATOR

### SPECIFICATION IDENTIFICATION

The specification of which:

- ☐ is filed herewith
- ☐ was filed on \_\_\_\_\_, under Serial No. \_\_\_\_\_, executed on even date herewith; or
- ☐ Express Mail No.(as Serial No. not yet known) and was amended on \_\_\_\_\_ (if applicable)
- ☒ was described and claimed in PCT International Application No. PCT/EP2003/010093 filed internationally on September 9, 2003.

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which is material to the examination of this application; namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

- ☐ In compliance with this duty there is attached an Information Disclosure Statement in accordance with 37 CFR §1.98.

**PRIORITY CLAIM (35 U.S.C. §119)**

I hereby claim foreign priority benefits under Title 35, United States Code, §119, of any provisional or foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below, and have also identified below any provisional or foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- ☐ No such applications have been filed.  
☒ Such applications have been filed as follows:

**A. Prior foreign/PCT application(s) filed within 12 mos. (6 mos. for design) prior to this application, and any priority claims under 35 USC §119**

<u>Country/PCT</u>	<u>Application Number</u>	<u>Date Filed</u>	<u>Priority Claimed</u>
✓EP	02078774.3	Sept. 13, 2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
✓EP	03075716.5	March 12, 2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

**B. All foreign application(s), if any, filed more than 12 mos. (6 mos. for design) prior to this U.S. application**

<u>Country/PCT</u>	<u>Application Number</u>	<u>Filing Date</u>
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**C. U.S. Provisional Application filed within 12 months prior to this application**

<u>Serial Number</u>	<u>Filing Date</u>
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**PRIORITY CLAIM (35 USC §120)**

I hereby claim the benefit under Title 35, United States Code, §120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information that is material to the examination of this application (namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

- ☒ No such applications have been filed.

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☐ Such applications have been filed, as follows:

<u>Serial Number</u>	<u>Filing Date</u>	<u>Patented</u>	<u>Pending</u>	<u>Abandoned</u>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**POWER OF ATTORNEY**

☒ Practitioners associated with the Customer Number:

47389

**OR**

☐ I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:


**Send correspondence and direct telephone calls to:**

John C. Carey  
MOSER, PATTERSON & SHERIDAN, L.L.P.  
3040 Post Oak Blvd., Suite 1500  
Houston, TX 77056  
Telephone: 650/330/2310

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

1-00 Full name of first or sole inventor: Giovanni Gilardi

Inventor's signature: [Signature] Date: 24/09/2005  
 Residence: Via Santa Maria 21  
I-23854 Olginate ITX  
Italy  
 Post Office Address: Same as above Country of Citizenship: Italy

2-00 Full name of second inventor: Paolo Milanese

Inventor's signature: [Signature] Date: 24/09/2005  
 Residence: Via San Martino, 2  
I-27020 Olevano Di Lomellina ITX  
Italy  
 Post Office Address: Same as above Country of Citizenship: Italy

3-00 Full name of third inventor: Simone Pensa

Inventor's signature: [Signature] Date: 24/09/2005  
 Residence: Via Cesare Battisti, 1  
I-13030 Albano Vercelles ITX  
Italy  
 Post Office Address: Same as above Country of Citizenship: Italy